

**From:** Kevin White  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:55am  
**Subject:** Microsoft Settlement

Dear Department of Justice,

I'd like to take a minute of your time to voice my opinion in opposition to the current Proposed Final Judgment against the Microsoft Corporation. As an avid user of OpenSource products, I feel that consumers should have a choice when purchasing a new PC as to what kind of software is loaded on that machine. It has come to my attention that your Proposed Final Judgment still allows Microsoft to stangle OEM's in an anticompetitive way.

According to Section III.A.2. Microsoft may retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. This provision will allow Microsoft to stifle the coice of the consumer.

Consumers should have the right to either purchase a new computer system without any operating system, or with an operating system that directly competes with Microsoft. It has already been argued in the Central District of California court case, Adobe vs Softman, that that consumers can resell bundled software, no matter what the EULA, or End User License Agreement, stipulates. In the case of Microsoft's software, the operating system is tied to the OEM bios hardware of the PC. Even if a consumer wanted to sell their copy of windows to recoup their loss they would be unable to do so. The link between the OS and the OEM bios would prevent a user from installing the software on any other machine, making it impossible for the consumer have a choice at the time of purchase.

In conclusion, I would ask the Department of Justice to stand back and take a look at this situation again. There are MANY more reasons to dislike the proposed final judgement, more than I care to go into. Please take into consideration the letters and concers of the OpenSource community when making your decision.

Thank You,

Kevin White  
Newbern, TN  
A+ Certified Computer Technician  
Linux+ Certified